

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
FEBRUARY 25, 2019

7:30PM

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. PRESENTATION BY MOLLY ETTENBOROUGH**
- 7. MAYOR'S COMMENT**

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

8. APPROVAL OF MINUTES

February 11, 2019

(Approve)

9. TRANSFERS

- **NONE**

10. COMMUNICATIONS

- **COMM116_02_25_19** Toward Zero Waste Newburyport Initiative *(full text available)* (N&CS)
- **COMM117_02_25_19** Flag Day 5K - 6/15/2019 (PS)
- **COMM118_02_25_19** Chocolate Tour, Central Congregational Church - 5/18/2019 (PS)

11. APPOINTMENTS

First Reading					
• APPT082_02_25_19	Christopher Kealey	8 Payson St	Asst Hrbrmstr/Spec Pol Off	12/31/2022	
• APPT083_02_25_19	Adam Armstrong	5 Buck St	Harbor Comm (Alt)	4/1/2021	
• APPT084_02_25_19	Walter Lesynski	364 Merrimac St	Harbor Comm (Alt)	4/1/2021	
• APPT085_02_25_19	Charles Griffin	3 Vernon St	Parks Comm (Bartlet Mall)	5/1/2022	
• APPT087_02_25_19	Kevin Hunt	14 10 th St	Veterans' Agent	4/1/2020	

To Be Referred to Committee on Planning & Development

• APPT086_02_25_19	Ann M. Gardner	239 Water St	Planning Board	5/31/2024
• APPT088_02_25_19	Wilbur Shenk	1 Beck St	Waterfront Trust	12/1/2024

END OF CONSENT AGENDA
REGULAR AGENDA

12. MAYOR'S UPDATE

13. COMMUNICATIONS

- COMM119_02_25_19 City Council Rules 2019

14. APPOINTMENTS

- APPT081_02_11_19 Christian Hansen **Second Reading** 29 Hill St Library Board of Directors 02/01/2026

15. ORDERS

- ORDR082_01_14_19 Fire Department Fees FY2019 (TABLED)

16. ORDINANCES

-

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- ORDR071_10_29_18 CPC FY2019 Custom House Slate Roof
- COMM107_01_28_19 FY2019 Mid-Year Budget Report
- TRAN038_02_11_19 Free Cash \$45K to Safe Routes to School Project \$45K
- TRAN039_02_11_19 Free Cash \$40K to Rail Trail Phase II Project \$40K
- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR088_02_11_19 Multiple Trust (Stickney, Weare, Connors) Gift Acceptance

Education

In Committee:

-

General Government

In Committee:

- COMM109_01_28_19 2019 Election Calendar

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM100_12_10_18 2019 Class II Vehicle License – RL Currie Corp.
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019
- COMM110_02_11_19 Port Taxi - Application by Harold Congdon for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees

Planning & Development

In Committee:

- ODNC003_01_29_18 Zoning - Amendment to Table of Use Regulations
- ODNC008_02_12_18 Disposition of G. W. Brown School

- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **COMM105_01_14_19** Ltr re: Newport Condominiums
- **ORDR086_01_28_19** CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- **ODNC029_01_28_19** Zoning Map Amendment – Storey Ave South
- **COMM115_02_11_19** Conservation Restriction - 3 & 5 Collins Farm Road
- **ORDR087_02_11_19** Preservation Restriction Agreement – 28-30 Pleasant Street

Public Safety

In Committee:

- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM086_09_24_18** Ltr from Residents of East Boylston Street
- **COMM087_09_24_18** Ltr re: Coffin Street
- **ORDR084_01_28_19** 15-Minute Parking - Liberty Street
- **ORDR089_02_11_19** Handicapped Parking Space – Lower Custom House Way

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A
- **ORDR077_11_26_18** Amendment to Council Rule 20

17. GOOD OF THE ORDER

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
FEBRUARY 11, 2019

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Beverly Canepa, Edward Demski, and Kathy Hill. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Connell. 11 present, 0 absent.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS - ORDR089_02_11_19v2, ODNC027_11_13_18 map, ORDR082_01_14_19, ORDR085_01_28_19, Agendav2

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Tontar. So voted.

5. PUBLIC COMMENT

1. Rick Taintor

10 Dexter St

Waterfront West

2. Christian Hansen

29 Hill St

Library Board

6. MAYOR'S COMMENT

The Mayor gave an update pursuant to her written communication.

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

7. APPROVAL OF MINUTES

January 28, 2019

(Approve)

8. TRANSFERS

- **TRAN038_02_11_19** Free Cash \$45K to Safe Routes to School Project \$45K (B&F)
- **TRAN039_02_11_19** Free Cash \$40K to Rail Trail Phase II Project \$40K (B&F)

9. COMMUNICATIONS

- **COMM110_02_11_19** Port Taxi - Application by Harold Congdon for 2019 (L&P)
- **COMM112_02_11_19** Memo re: Fire-Based EMS Cost/Benefit Analysis (B&F)

10. APPOINTMENTS

- **APPT081_02_11_19** Christian Hansen 29 Hill St Library Board of Directors 02/01/2026

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Tontar. So voted.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor OBrien. So voted.

12. COMMUNICATIONS

- **COMM106_01_28_19** Ad Hoc Committee on Waterfront West: Report to Full Council (**TABLED**)
Councillor Vogel recused. Motion to remove from table by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **COMM115_02_11_19** Conservation Restriction - 3 & 5 Collins Farm Road
Removed from Consent Agenda by Councillor Eigerman. Councillor Eigerman recused. Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.

13. APPOINTMENTS

- **NONE**

14. ORDERS

- **ORDR087_02_11_19** Preservation Restriction Agreement – 28-30 Pleasant Street
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR088_02_11_19** Multiple Trust (Stickney, Weare, Connors) Gift Acceptance
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR089_02_11_19** Handicapped Parking Space – Lower Custom House Way
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Giunta. So voted.

15. ORDINANCES

- **ODNC027_11_13_18** Zoning Map Amendment – Storey Ave (**2nd Reading/TABLED**)
Councillor Devlin recused. Motion to remove from table by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve second reading by Councillor Giunta, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 recused (Devlin). Motion passed.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR071_10_29_18** CPC FY2019 Custom House Slate Roof
- **ORDR082_01_14_19** Fire Department Fees FY2019
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion to define commercial tent as greater than 400 square feet according to international fire code by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion to insert “and unvented gas appliance” after “*If a smoke detector inspection and a carbon monoxide inspection” by Councillor Earls, seconded by Councillor Vogel. Withdrawn. Motion to divide fee for unvented gas appliance by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to table by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 7 yes, 4 no (Vogel, Devlin, Eigerman, Connell). Motion passed.
- **TRAN037_01_28_19** Pd Parking Fund \$130K to Parking Rev Collect Sys \$130K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve (Comm vote 2-1, no – Tontar) by Councillor Tontar, seconded by Councillor Khan. Motion to amend subject to both extension of contract with Waterfront Trust and Newburyport Redevelopment Authority by Councillor Giunta, seconded by Councillor Shand. So voted (1 no – Vogel). Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Eigerman). Motion passed.

- **COMM107_01_28_19** FY2019 Mid-Year Budget Report

Education

Councillor Giunta gave an update on STEM, MCAS, and Common Core.

In Committee:

-

General Government

In Committee:

- **COMM109_01_28_19** 2019 Election Calendar

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating – West Row Café
- **COMM100_12_10_18** 2019 Class II Vehicle License – RL Currie Corp.
- **COMM104_01_14_19** Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM108_01_28_19** 2019 Class II Vehicle License – Great Bay Autobody
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor OBrien. So voted. Motion to approve, subject to \$25,000 bond, by Councillor Earls, seconded by Councillor OBrien. So voted.

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen
- **ODNC028_11_26_18** Parks & Recreation Fees

Planning & Development

In Committee:

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- **ODNC014_04_30_18** Amendment to Demolition Delay
- **COMM105_01_14_19** Ltr re: Newport Condominiums
- **ORDR083_01_28_19** Custom House Grant of Easement
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 no (Zeid, OBrien). Motion passed.
- **ORDR086_01_28_19** CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- **ODNC029_01_28_19** Zoning Map Amendment – Storey Ave South

Public Safety

In Committee:

- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to amend, change date from 4/30 to 6/30 for both lots, by Councillor Devlin, seconded by

Councillor Giunta. So voted. Motion to approve as amended by Councillor Devlin, seconded by Councillor Giunta. So voted.

COMM086_09_24_18 Ltr from Residents of East Boylston Street

- **COMM087_09_24_18** Ltr re: Coffin Street
- **COMM103_01_14_19** Walk MS - 4/27/2019

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Khan. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Khan. So voted.

- **ORDR084_01_28_19** 15-Minute Parking - Liberty Street
- **ORDR085_01_28_19** Parking - Hours of Operation in Lots

Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted.

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A
- **ORDR077_11_26_18** Amendment to Council Rule 20

16. GOOD OF THE ORDER

Councillor Zeid announced a meeting on the Brown School on Wednesday, February 13th at 7pm in the gymnasium.

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor OBrien. So voted. 9:30pm.

COMMUNICATIONS



Toward Zero Waste Newburyport Initiative:

**Waste Stream Task Force Recommendations
and Background Information**



February 2019

TABLE OF CONTENTS

- Memorandum to Newburyport City Council – Re: Briefing Packet for Newburyport Toward Zero Waste Initiative. February 19, 2019
- PowerPoint Presentation: Toward Zero Waste - Newburyport Waste Stream Task Force Update
- Waste Reduction Program (WRP) Options for Newburyport (2):
 - Waste Reduction Program (WRP) with First Bag Free
 - Waste Reduction Program (WRP) with Bag Giveaway Options
- Frequently Asked Questions
- Massachusetts Projected Landfill Capacity
- Map: PAYT/SMART Communities (2017)
- Per Capita Residential Trash in Massachusetts – Waste Zero
- Mass DEP Case Studies (3) - Hamilton, Malden and Ashland
- Newburyport Assessor's Classification Report - 2017 (LA 4 Form)
- Solid Waste and Recycling Costs of Multiple Units/Properties in Newburyport – February 2019
- Recommendations by Building Type for Newburyport
- Information letter for new residents to Newburyport – Toward Zero Waste
- 2018 Newburyport Environmental Health Information Guide



CITY OF NEWBURYPORT

**MOLLY M. ETTENBOROUGH
RECYCLING AND ENERGY MANAGER
SUSTAINABILITY OFFICE**

NEWBURYPORT CITY HALL
TEL: 978-465-4410

60 PLEASANT STREET

NEWBURYPORT, MA 01950

FAX: 978-465-9958

METTENBOROUGH@CITYOFNEWBURYPORT.COM

Memorandum

To: Newburyport City Council
Re: Briefing Packet for Toward Zero Waste Newburyport Initiative
From: Newburyport Waste Stream Task Force
Date: February 19, 2019

During the spring of 2018, the Mayor asked the Recycling and Energy Office to explore alternatives and make recommendations to address market changes in the solid waste and recycling industry. Solid waste collection and transportation costs were on target to increase by 23% and recycling processing increases up to 80%. The Newburyport Waste Stream Task Force was formed and the findings and recommendations of the committee are included here.

The specific contents of this briefing package have been outlined in the Table of Contents. It includes an overview of the process, the analysis that the task force completed, background information, and recommendations for service and recipients. The recommendations include a hybrid pay as you throw program for municipal waste and eligibility requirements for service recipients.

In addition to budgetary concerns and service recipient eligibility and fairness, the task force also focused on the City's 2017 Master Plan and established goal to reduce per capita waste generation through economic incentives such as pay as you throw programs. Additionally, the City recently made a declaration, with Climate Mayors from around the world, to increase diversion away from landfill and incineration by 70% by 2030.

For future context, the task force has developed the following vision statement:

By 2030 the Newburyport Toward Zero Waste Initiative has minimized waste creation/generation (REDUCE), and sustainable/ responsible waste diversion (REUSE, REPAIR, REPURPOSE, then RECYCLE) through policy, practices, and streams. Residents and other stakeholders recognize and willingly comply with waste reduction and waste diversion efforts. The overall community and citizenry are benefiting economically (managed costs -property taxes and fees) and from environmentally-sound practices which are helping protect and preserve the health of the community's land, air and water.

It is acknowledged that there will be ongoing work, discussion, and refinement as we further develop the city's toward zero waste initiatives including such programs as citywide organic composting, etc.

We encourage you to note any additional questions by sending an email message to Molly Ettenborough mettenborough@cityofnewburyport.com



Toward Zero Waste Newburyport Waste Stream Task Force Update

February 19, 2019



Task Force Charter

Waste Stream Task Force was formed at the Mayor's request in Spring 2018 to assess the rising costs of Newburyport's Solid Waste and Recycling programs and make recommendations to mitigate and minimize long term impact on the community.

Task Force Goals

- Cost containment - as defined in the City's Master Plan
- Waste reduction - increase diversion to recycling and composting
- Consistency, Simplicity and Transparency - fair policies for all service recipients

Toward Zero Waste Newburyport

February 11, 2019



Task Force Members

Barry Connell, City Councilor

Afroz Khan, City Councilor

Frank Giacalone, Health Director

Molly Ettenborough, Recycling & Energy

Laurie Pierce, Purchasing Agent

Laurel Hanke, Health and Recycling Assistant

James Brugger, Planning Board Member

Jane Nickodemus, Resident, Chair TZW Comm.

Sharon Byrne Kishida Mass DEP District Coordinator

Lauren Petty, Resident, RN, Health and Recycling Volunteer

Bob Barton, Resident and Investor

Bailey Fogel- NHS student, E-Club president, GOMI

Yvonne McQuilkin – Council on Aging

Art Currier- Storm Surge, ACES

Christin Walth- Zero Waste Expert

Tom Szabo, Resident, Scientist and Writer

Toward Zero Waste Newburyport

February 11, 2018



Rising Costs Expected as Waste Management Industry Changes

- Disposal options are shrinking; waste is exported to other states
- Landfills are full and closing; big drop in landfill capacity in 2021
- Regional incinerators are continually at 100% capacity
- DEP moratorium on building traditional incinerators
- Recycling market changes due to global forces
- Cost increases for collection, hauling, and disposal

Toward Zero Waste Newburyport

February 11, 2019



Why Must Newburyport Change?

- Our preliminary 2019-20 budget shows 32.4% increase in waste management expenses
- We have committed to waste reduction in the Master Plan and 70 % reduction by 2030 and in the Mayor's C40 declaration
- Current solid waste/recycling policies and practices are inconsistent, unclear, and inequitable for the variety of end-users
- Historically, recycling is more cost-effective than solid waste disposal, but there is uncertainty in the marketplace
- We are committed to responsible environmental stewardship

Toward Zero Waste Newburyport

February 11, 2019



NBPT's Reduction Efforts to Date

- Launched multi-year Zero Waste pilot programs showing waste can be reduced by 30-60%
- Instituted organics subscription services showing 76.47 tons collected in 2018 from 4% of households
- Created resources for reduction, re-use and repair
- Expanded drop-off recycling options
- Conducted two Recycling IQ (Improve Quality) programs
- Increased education and enforcement

Toward Zero Waste Newburyport

February 11, 2018



Task Force Exploration

The Task Force analyzed the following:

- End-user characteristics and current service costs
- Available tools and organizations to assist in the development and execution of solutions
- Efforts of other municipalities
- Financial, environmental and social impacts of multiple options
- Environmental and cost benefits of diverting solid waste to recycling and composting

Toward Zero Waste Newburyport

February 11, 2018



Findings

- Most municipalities in the state are struggling with the rising costs of waste management
- Awareness of the disposal process reduces trash tonnage
- As trash reduces, recycling increases, benefiting both the environment and the budget
- Nearly 50% of MA communities have implemented pay-per bag programs to manage costs
- Newburyport is one of only 7 Massachusetts communities providing city-provided curbside trash removal to business and organizations
- Only two Massachusetts municipalities provide trash collection to multi-family residences (> 8 units)

Toward Zero Waste Newburyport

February 11, 2019



Waste Program Options

Option 1

Status Quo - No Change

City Pick-Up

Pros:

- All bagged trash is picked up by the City included in taxes

Cons:

- Inability to contain costs and volume
- Negative environmental impact
- Inequitable process
- Taxes may Increase

Option 2

Pay As You Throw

Pay for Each Bag

Pros:

- Contain City costs
- Equity in trash services
- Ample recycling and compost options
- Incentivizes waste diversion

Cons:

- Aversion to change
- All incremental cost to all residents

Option 3

Annual HH Trash Fee

Yearly Fee

Pros:

- Convenient
- Easy to manage

Cons:

- Incremental cost to all residents
- Favors high users
- Does not support waste or cost reduction
- Does not support waste diversion

Option 4

Hybrid Program - First Bag Free

First Bag Free-per week

Pros:

- Equity in trash services
- Encourages recycling and composting
- Allows residents to control cost
- Contain City costs

Cons:

- Aversion to change
- Education needed

Toward Zero Waste Newburyport

February 11, 2018



Conclusion

- Increasing waste collection and disposal costs are inevitable and must be addressed
- The Task Force and Mayor, propose the Hybrid Program, which addresses containing costs, reducing waste and encouraging responsible environmental stewardship on an equitable basis
- This plan is consistent with our goals:
 - Managing the city's budget
 - Protecting our natural resources
 - Encouraging community participation

Toward Zero Waste Newburyport

February 11, 2019



Waste Reduction Program (WRP) with Bag Giveaway Options

	2017	Full WRP	54 Free 15 Gallon Bags Per Year For...		
			Low Income Seniors	All Seniors	Every Household
Trash Tons	5,351	3,692	3,788	3,874	4,537
Reduction from Today		1,659 (31% reduction)	1,563 (29% reduction)	1,477 (28% reduction)	814 (14% reduction)

Revenue (+)	-	\$ 645,000	\$ 608,000	\$ 574,000	\$ 316,000
Program Costs (-)	-	\$ 115,000	\$ 118,000	\$ 121,000	\$ 145,000
Trash Disposal Savings (+)	-	\$ 109,000	\$ 103,000	\$ 97,000	\$ 54,000
Recycling Processing \$78/t (-)		\$ 52,000	\$ 49,000	\$ 46,000	\$ 29,000
Total Benefit (Cost)	-	\$ 587,000	\$ 544,000	\$ 504,000	\$ 196,000

Recycling Rate	32%	46%	45%	44%	39%
Recycling Tons	2,520	3,184	3,145	3,111	2,895
Tons Increased	-	664 (26% increase)	625 (25% increase)	591 (23% increase)	375 (15% increase)

- 54 free bags per year provided to each household
- Thereafter, cost is \$1.00 per 15-gallon bag and \$2.00 per 30-gallon bag

Waste Reduction Program (WRP) and With Bag Giveaway Sizes

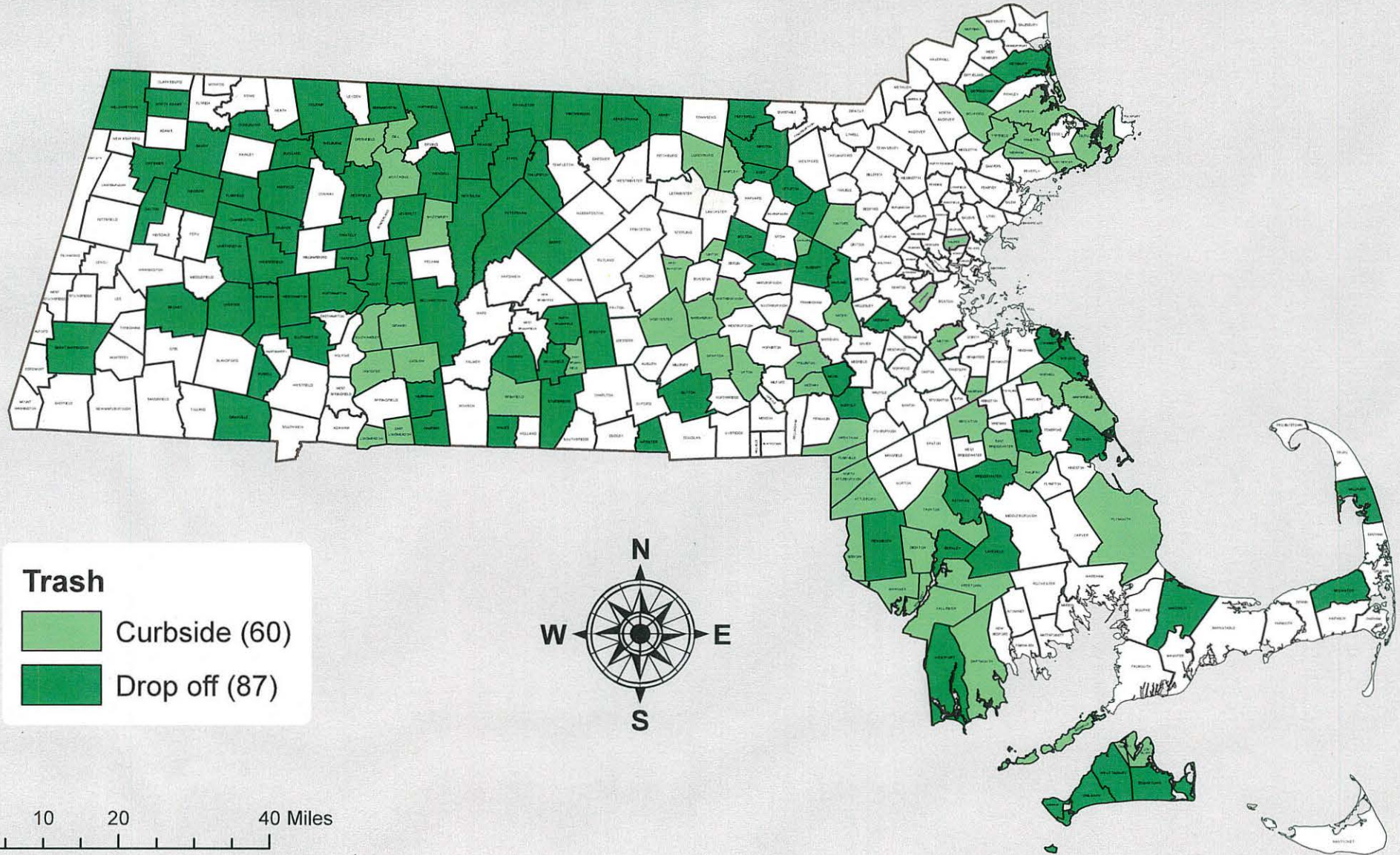
	2017	Full WRP	54 Free Bags for Each Household...	
			30 Gallon Bag	15 Gallon Bag
Trash Tons	5,351	3,692	5,079	4,537
Reduction from Today		1,659 (31% reduction)	272 (5% reduction)	814 (14% reduction)

Revenue (+)	-	\$ 645,000	\$ 105,000	\$ 316,000
Program Costs (-)	-	\$ 115,000	\$ 154,000	\$ 145,000
Trash Disposal Savings (+)	-	\$ 109,000	\$ 18,000	\$ 54,000
Recycling Processing \$78/t (-)	-	\$ 52,000	\$ 8,500	\$ 34,000
Total Benefit (Cost)	-	\$ 587,000	\$ (39,500)	\$ 196,000

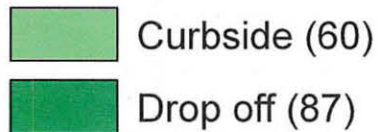
Recycling Rate	32%	46%	34%	39%
Recycling Tons	2,520	3,184	2,629	2,895
Tons Increased	-	664 (26% increase)	109 (4% increase)	375 (15% increase)

- 54 free bags per year provided to each household
- Thereafter, cost is \$1.00 per 15-gallon bag and \$2.00 per 30-gallon bag

PAYT/SMART Communities (Pay-As-You-Throw/Save-Money-And-Reduce-Trash)



Trash



0 10 20 40 Miles

1:1,200,000

DATA SOURCES:
 - Community Boundaries: ITD/MassGIS
 - Unit-based Pricing Data: MassDEP BAW, May 2017
 W:\BWP\SWM\gis\RecyclingGrantSupport\PAYT_2017.mxd
 MassDEP, BAW, Revised May 2017, J Cook

TOWARDS ZERO WASTE NEWBURYPORT INITIATIVE RECOMMENDATIONS BY BUILDING TYPE

Building Type	Complex Size/ Number of Units Eligible for City Pick Up	Trash Limit	Dumpster Serviced at City's Expense	Approvals Needed (Board of Health, Recycling Energy Sustainability, Mello)	Notes	Cost per HH/Notes
Single Family	N/A	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	54 Free Bags
Condos/town houses with public street frontage and separate entrances for each unit	No limit to how many units in a complex if barrels can be in front of each unit on public way.	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	54 Free Bags per unit
Condo complex with one shared entrance(s)	Up to 8 units 9+ not serviced	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	54 free bags per unit to approved complexes
Apartments with separate entrance for each unit with public street frontage	No limit to how many units in a complex if barrels can be in front of each unit on public way.	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	54 Free Bags per unit
Apartment complex with one shared common entrance	Up to 8 units 9+ not serviced	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	54 free bags per unit to approved complexes
Food Establishments located in the downtown district (only)	NA	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	No free bags. Must be in marked barrels. Encourage composting.
Downtown businesses located in the downtown district (only)	NA	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with Board of Health.	No free bags. Must be in marked barrels.
Businesses outside of the downtown business district	No Service for trash or recycling					
Exempt and Non-Profits	Every two residential (tax-exempt) units will be counted as one for determining bag limit.	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	No free bags.
Newburyport Housing Authority	Same rules apply as condo and apartment complexes and depends on whether they have a shared or common entrance (as listed above.)	Status Quo 3-- 35 gal barrels or 5-- 13-15 gal. bags.	No	Private roads- Must receive approval for service.	If it is a private road, a waiver is needed. If it remains a private road with no service, households are allowed to place trash barrels on public way with BOH approval.	1 free bag per unit.

Notes- Condos vs apartments: based on the legal use, how it is recorded at the registry of deeds. Condos have to have associations. Land, in both cases, is common. Unit owner pays taxes.

Rules

- On private roads, if approved, a waiver must be signed by all property owners /associations that will be in effect in perpetuity allowing the City's vendor to drive on private property. Trucks may not back up or use driveways for turn arounds and hauler must confirm it is safe. Trash/recycling can be brought to public street if approved by Board of Health.
- Use of sidewalks –must be passable for pedestrians including people with disabilities
- No dumpster service will be offered or paid for by the City except for municipal properties.
- People can opt out of city trash service if they'd like. No financial benefit for opting out.
- If a property does not qualify for municipal trash service, no recycling service will be offered either.
- Owners of rental properties will be given the vouchers for each legal rental unit. Owners will be responsible for distributing vouchers to tenants and ensuring proper disposal of trash and recycling by tenants.
- Unlimited curbside pick-up of legal recycling material for all approved users.



Frequently Asked Questions

Proposed Newburyport Waste Stream Management Program Proposal

February 15, 2019

Global economic factors in waste collection and disposal continue pushing costs upward.

The Waste Stream Task Force and the Mayor, drawing on best practices from communities across MA and the nation, propose cutting and containing costs for municipal waste by implementing a hybrid pay per bag program.

Proposed is an equitable basis for addressing waste costs, waste reduction, and waste education that aligns with Master Plan and state goals.

1) What is proposed?

First Bag Free is a hybrid pay as you throw (PAYT) program for municipal solid waste.

Specialized colored trash bags are provided free to residents by the City. Distribution will be managed by WasteZero, who will manage most of the logistics of the program without additional operational responsibilities for municipal staff.

Each collection address is allocated one free trash bag per week, or 54 free bags per year (two additional bags are provided to assist with potentially high-waste occasions, such as Christmas and Thanksgiving). Additional bags will be available at local stores for \$1 per bag for additional 15 gallon bags and \$2 per 30 gallon bag. In this way, individual households save money by not having to buy their own wastebasket liners, in addition to the City saving money from reduced disposal costs, due to reduced tonnage.

Residents receive vouchers by mail for 54 bags that are redeemed at retailers throughout the community.

The specialized bags are best placed in residents' current trash carts and barrels to help keep animals out of trash.

To assist residents in reducing their trash, the City will continue to offer three options for organics diversion to help reduce the volume and weight of their trash:

- a. The sale of backyard composters, sold at cost.
- b. City wide availability of subscription based pick up with Black Earth Compost at a rate of \$1.89/week.
- c. Free drop off location for organic waste.

The City will give future consideration to subsidizing city wide composting and organics diversion as experience is gathered with the First Bag Free program.

The generous trash limit of three 35 gallon barrels or five kitchen size bags per household per week will remain unchanged. Recycling also will remain unchanged.

2) What economic factors are pressuring waste disposal costs?

Solid waste in Newburyport continues to increase.

The loss of landfill disposal sites are shrinking waste disposal options and increasing waste processing costs.

The economic factors that influence how our waste stream is managed by the private waste disposal industry are:

- a) Landfill closings continue to reduce waste disposal capacity in Massachusetts. Disposal options are shrinking, which increases the price of disposal.
- b) More material is being shipped out of state, increasing costs for incineration and ash disposal. Massachusetts is projected to export 40% of our trash out of state by 2025.
- c) Regional incinerators are at capacity, and a legislative moratorium on building new traditional incinerators is in effect.
- d) The global recycling market has changed causing significant increases in costs.

- e) A decrease in global demand for recycled materials is exacerbated by the challenges of contamination.
 - a. 1-in-4 items placed in curbside recycling containers is not recyclable through curbside programs
 - b. Resulting significant cost increases/personnel to address the challenges of sorting and machinery clogs
- f) Diverting organic waste can be expensive, but can benefit from other waste reduction programs.
 - Composting costs can be offset by lower solid waste costs.
 - The breakeven point for composting can be calculated once disposal reductions are seen.
- g) Fuel price hikes can increase hauling costs.
- h) A mileage tax on trash trucks for highway wear and tear is under consideration in parts of the U.S.

3) What budgetary factors are pressuring Newburyport to make changes?

Actual costs for July 2018 – January 2019 are \$837,774.

Sum of INVOICE NET	Fiscal Year					
Vendor	2014	2015	2016	2017	2018	2019 To-Date
G MELLO DISPOSAL CORP	\$607,847	\$669,751	\$706,225	\$728,082	\$688,284	\$611,217
WHEELABRATOR NORTH ANDOVER INC	\$291,567	\$331,114	\$330,014	\$337,711	\$359,392	\$226,556
Grand Total	\$899,414	\$1,000,866	\$1,036,239	\$1,065,793	\$1,047,676	\$837,774

Projections for the next 6 months (January-June 2019) are \$750,000. The total estimated cost for FY 2019 therefore is \$1,587,774, approximately a 50% increase from last year.

Our efforts to monitor, forecast, and contain waste costs include:

- Regular budget and disposal figures monitoring and analysis
- Goal setting with our Master Plan and C-40 declaration
- Monitor industry trends and municipal best practices
- Continued trash reduction awareness and education

Waste reduction programs such as PAYT typically reduce trash by an average of 44% within 90 days after launch. The benefits last as long as the program is in place.

The advantages of the hybrid PAYT program are:

- Containment of City costs
- Equity in trash services
- Encourages more recycling and composting
- All users control their own costs with many saving money

When residents and businesses actively participate in cost effective waste separation alternatives, they contribute to waste reduction. Assessing/assigning cost increases based upon consumption of services helps shield the city from price shocks and distributes cost increases fairly.

4) How are other Massachusetts PAYT towns weathering the recycling and disposal increases?

At present, trash reduction programs more than pay for increases in processing costs for recycling.

PAYT communities are not immune to market changes but they are doing significantly better than non-PAYT communities.

They are not only diverting commodity recyclables, they're also diverting all other material that PAYT programs help remove from the trash, such as organic waste, reusable textiles, books and other items that can be reused or recycled.

5) What is the cost basis for trash disposal?

How do trash disposal costs differ from the cost basis for public education?

Trash and public education are very different services. Trash is similar to water and electricity, where it makes sense to pay for it based on usage.

Public education benefits the well-being of our entire community and has positive impacts on all residents, whether or not they have children in the school system. Public education expands economic growth and opportunity, reduces crime, improves health,

increases voting and engagement with the community and has many other benefits. Because everyone benefits, it is appropriate that everyone pays the cost of this service.

Trash disposal is different. There is a public benefit to being able to dispose of actual trash, but there is no public benefit – and many costs to our society – when residents dispose of recycling in the trash. Given this, the City’s trash program should provide an opportunity to dispose of actual trash at no cost while providing an incentive for residents to reduce, reuse and recycle. The First Bag Free program does this. It allows residents to dispose of 15 gallons of trash per week at a lower cost than they can today while charging additional money for excess waste. Given that this excess waste is generally a choice, and that choice has negative impacts on our community, it is appropriate for residents to pay the cost of the choice they are making.

Education and trash disposal are both City services, but they are not similar. We all benefit from education, and in general, the more the better. Solid waste places significant costs on society that we can minimize with utility pricing.

6) Best Practices

Nearly 50% of MA communities have successfully implemented similar waste reduction programs to manage costs.

Waste reduction programs in these municipalities reduced trash significantly, with full PAYT programs reducing waste by an average of 44% within 90 days after launch. The benefits last for as long as the program is in place.

This proposal draws on the experience of communities across the state and the nation who have successfully implemented similar programs, including cities that crafted and executed their own hybrid programs. See Appendix for DEP PAYT/SMART Communities Map and Waste Zero’s Per Capita Residential Trash in Massachusetts Program analysis.

Best practices from all these deployments shape program details as we continue to monitor and address Newburyport’s waste management issues.

7) Why is organic waste composting important?

Organic material represents one of the largest components of the City’s solid waste stream. While this material is generally disposed of as waste today, it is truly a resource that can be recycled and used in better ways. The City’s proposed waste reduction program will encourage some residents to begin to compost food waste in their backyards, but

experience suggests that other residents would prefer the convenience of curbside diversion programs to compost their food waste. In these curbside programs, organic waste is put in a small indoor container and when full, is transferred to a larger outdoor container and picked up weekly, curbside.

Composting is instrumental in reducing trash citywide to help residents and businesses, including restaurants, reduce their trash costs.

Currently, the City is serviced by Black Earth Composters. Residents and businesses pay out of pocket on a subscription basis at \$1.89 per week. Costs could go down as subscribers increase.

8) What transition issues and changes will residents and businesses experience with this program proposal?

The current trash limit of five (5) kitchen bags or three (3) barrels per pick-up address will not change. The trash and recycling pick-up schedule will also not change.

One change is the use of specialized bags for weekly trash pickup, with one bag per week provided by the city for free.

- Ordinary supermarket bags and other bags cannot be used to put trash out for pick up.
- The City's bags will be standard 15 and 30 gallons, made from at least one-third recycled material, 1.5 mil thick with a drawstring. This is nearly 40% thicker than the thickest resident trash bags in use today.

While the use of a City bags represents a change, it is merely a substitution from Glad and Hefty bags, for example, to City of Newburyport bags.

A second change is households and businesses that exceed one free bag per week pay \$1 or \$2 per bag for additional bags, based on the amount of extra waste they choose to dispose of.

A third potential change is an opportunity for composting as a way for all residents and businesses to reduce their trash-disposal and the need for additional bags.

A fourth change is that residents and businesses determine how much of this service they wish to consume and pay for instead of having the cost buried in their property taxes.

This gives everyone more control over their costs. It also requires heavy-trash generators to pay the costs of the decisions they are making, rather than allowing those costs to be shifted on to all taxpayers, as happens today.

A fifth change is that the program motivates everyone to become more aware of how to produce less waste.

- Assistance and educational tools for advancing community wide knowledge are available to everyone today, but seldom sought. This program will provide residents an incentive to reduce, reuse, and recycle, which today they do not have.

Lastly, a sixth change is that the City will save taxpayer dollars which can be used for other services which residents value more than the cost of disposing of recyclables in the trash.

9) What are the set up costs for First Bag Free?

No up-front investment or out-of-pocket costs are required to launch a hybrid PAYT trash program being managed with WasteZero.

In Massachusetts, WasteZero serves 97 out of 147 PAYT towns and cities, including Natick, Dartmouth, Manchester, and Gloucester.

Waste reduction programs in these municipalities reduced trash by an average of 44% within 90 days after launch. The benefits last for as long as the program is in place.

PAYT program contracts are typically three years.

WasteZero, the leading provider of municipal solid waste reduction programs in the U.S., works with more than 850 municipalities across 42 states. Their experience and expertise in cost reduction and containment, bag distribution, monitoring, and community education meets the City's needs without any investment in new technologies, facilities, or staff.

10) How will First Bag Free be managed?

Introduction: The Recycling Office, Health Department, and the Waste Stream Task Force will manage the timetable and resources to ensure an orderly program introduction to the community that addresses everyone's concerns.

Implementation: A detailed implementation plan developed in conjunction with WasteZero and informed by their more than 800 other rollouts nationwide will ensure that short- and long-term steps in the action plan are thought through and anticipate issues.

Maintenance: Regular reporting from Waste Zero, in addition to our regular cost review processes, will be used to monitor actuals versus assumptions that have a direct bearing on anticipated costs.

WasteZero provides all educational material and uses city mailings to distribute free bag vouchers for residents. Vouchers are redeemed at a wide range of retailers throughout the community.

WasteZero has live Customer Service to handle issues, such as a faulty bag replacement. For general questions, residents and retailers can also call an automated toll-free line.

11) How will businesses be affected?

Currently, businesses outside the downtown district are required to have private collection contracts.

Downtown businesses, mixed-use buildings, and some smaller businesses receive city-provided trash and recycling collection.

Several downtown restaurants supplement city collection services with additional private trash pick-ups during the week.

Carts are still required in the downtown district so all bags must still be housed in carts.

We recommend the Health Department and Chamber of Commerce collaborate with restaurants and food establishments to further reduce waste through a city wide composting program, to help everyone significantly reduce their waste costs.

12) What about trash-pickup for condos, residential developments, and non-profits?

The Waste Stream Task Force recommends the city adopt clear regulations and has developed recommendations for all city-serviced recipients. See Recommendations by Building Type in the Appendix.

13) How will the elderly, infirmed, or low-income residents be impacted?

Thousands of communities have implemented similar waste reduction programs, and each has residents who are elderly, infirm and/or low-income. Criteria and a process for bag distribution to these populations will be finalized in the coming weeks.

Experience across more than 140 Massachusetts communities shows that bag distribution to all population groups is generally straightforward, as residents simply replace the bags they are currently using.

Elderly, infirmed and low-income residents who are not big waste generators will save money by not needing to purchase bags, using instead, the free bags provided by the City.

14) How do we deal with dumpsters?

The city will not cover the costs for any dumpster unless it is a municipal facility.

15) How will the community find out about First Bag Free?

Before the program's launch, WasteZero works with the City to send information directly to residents, announce the program in the local media, establishes a toll-free information line and a dedicated website for residents.

These resources will offer a wide range of information, such as how the program works, where to get bags, what can be recycled, who to call with questions or problems.

In addition to City Council meetings and process, there can be public information sessions at the Senior Community Center, Public Library, etc.

We will also be increasing awareness, education, and outreach to encourage more composting of organics.

16) Will this cause more people to dump their trash in streets, public parks and public trash bins?

No. This issue has been examined at length by EPA, DEP, academic research and through interviews of municipal officials across the country. These surveys and studies show that PAYT programs do not increase illegal dumping.

Most illegal dumping is not residential waste, but construction debris and bulk material like couches, mattresses, and tires. These materials are not affected by PAYT.

Public trash areas not intended for residential household trash and recycling sometimes ends up with some household waste, especially in the downtown, high mixed-use area. This is currently the case without a hybrid waste reduction program. This program's savings could help address this problem if the city chooses to utilize it that way.

17) Will Recycling Change?

No. The present biweekly recycling cart/bin pick-up provides a generous amount of disposal and will not change. Each household received a 64-gallon recycling cart for paper, glass bottles and jars, cardboard, metal cans and aluminum foil/pans and plastics with recycle numbers 1-7.

- Additional recycling opportunities are available at the Colby Farm Lane Recycling Center on Saturdays, where some items can be dropped off for no charge. Copies of the city's educational material on all recycling options, is in the attached Appendix; Environmental Health Information Guide and New Resident letter.
- We have an active Toward Zero Waste Newburyport program for household packaging, donation information, a swap area at the Recycling Center, and highly active online sources for re-purposing still-usable goods, all listed in the new resident letter.
- The City provides information on other recyclables, including textiles, books, and batteries and regularly submits articles to the local paper to help residents find ways to reduce both their trash and recycling.

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: Flag Day 5K

Date: Sat. June 15 Time: from 3 PM to 8 PM

Rain Date: N/A Time: from _____ to _____

2. Location: Cashman Park

3. Description of Property: Soccer Field Public ☒ Private ☐

4. Name of Organizer: Lot Lt. Derek Hines Ford City Sponsored Event: Yes ☐ No ☒

Contact Person Steven Hines

Address: 54 Ferry Rd Telephone: 617 799-6980

E-Mail: hln51@comcast.net Cell Phone: _____

Day of Event Contact & Phone: Steve Hines 617 799-6980

5. Number of Attendees Expected: 2000

6. MA Tax Number: #26-0752782

7. Is the Event Being Advertised? Yes Where? Social Media

8. What Age Group is the Event Targeted to? All ages

9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No ☐ Who? _____

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food ☒ Beverages ☒ Alcohol ☒ Goods _____ Total # of Vendors 2

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music ☒ DJ _____ Radio/CD _____

Performers _____ Dancing _____ Amplified Sound ☒ Stage ☒

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☒ No ☐

If yes:

- a) How many trash receptacles will you be providing? 10
- b) How many recycling receptacles will you be providing? 10
- c) Will you be contracting for disposal of : **Trash** Yes ☒ No ☐ **Recycling** Yes ☐ No ☐
- i. If yes, size of dumpster(s): **Trash** ☒ **Recycling** ☒
- ii. Name of disposal company: **Trash** Mello **Recycling** _____
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes _____ No _____
- iv. If no, where will the trash & recycling be disposed ? _____

If no:

- a) # of trash container(s) to be provided by DPS _____
- b) # of recycling container(s) to be provided by Recycling Office _____

c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

18 Standard # 2 ADA accessible

Name of company providing the portable toilets: Wilkinson

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE ☒ _____

WALKATHON ☐ _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

1st Lt. Derek Hines Soldiers Fund

2. Name, Address & Daytime Phone Number of Organizer:

Steven Hines
Cell 617 799-6980 54 Ferry Rd
Newburyport, MA

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up

Same

4. Date of Event: Sat. June 15 Expected Number of Participants: 2000

5. Start Time: 4 PM Expected End Time: 8 PM

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**):

Cashman Park to Merrimac, up Jefferson
down High St. to Kent, Washington to
Rail Trail back to Cashman

7. Locations of Water Stops (if any): Top of Jefferson + Washington

8. Will Detours for Motor Vehicles Be Required? No If so, where? _____

9. Formation Location & Time for Participants: Cashman Park 4 PM

10. Dismissal Location & Time for Participants: Cashman

11. Additional Parade Information:

- Number of Floats: _____
- Locations of Viewing Stations: _____
- Are Weapons Being Carried: Yes _____ No _____
- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.
DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

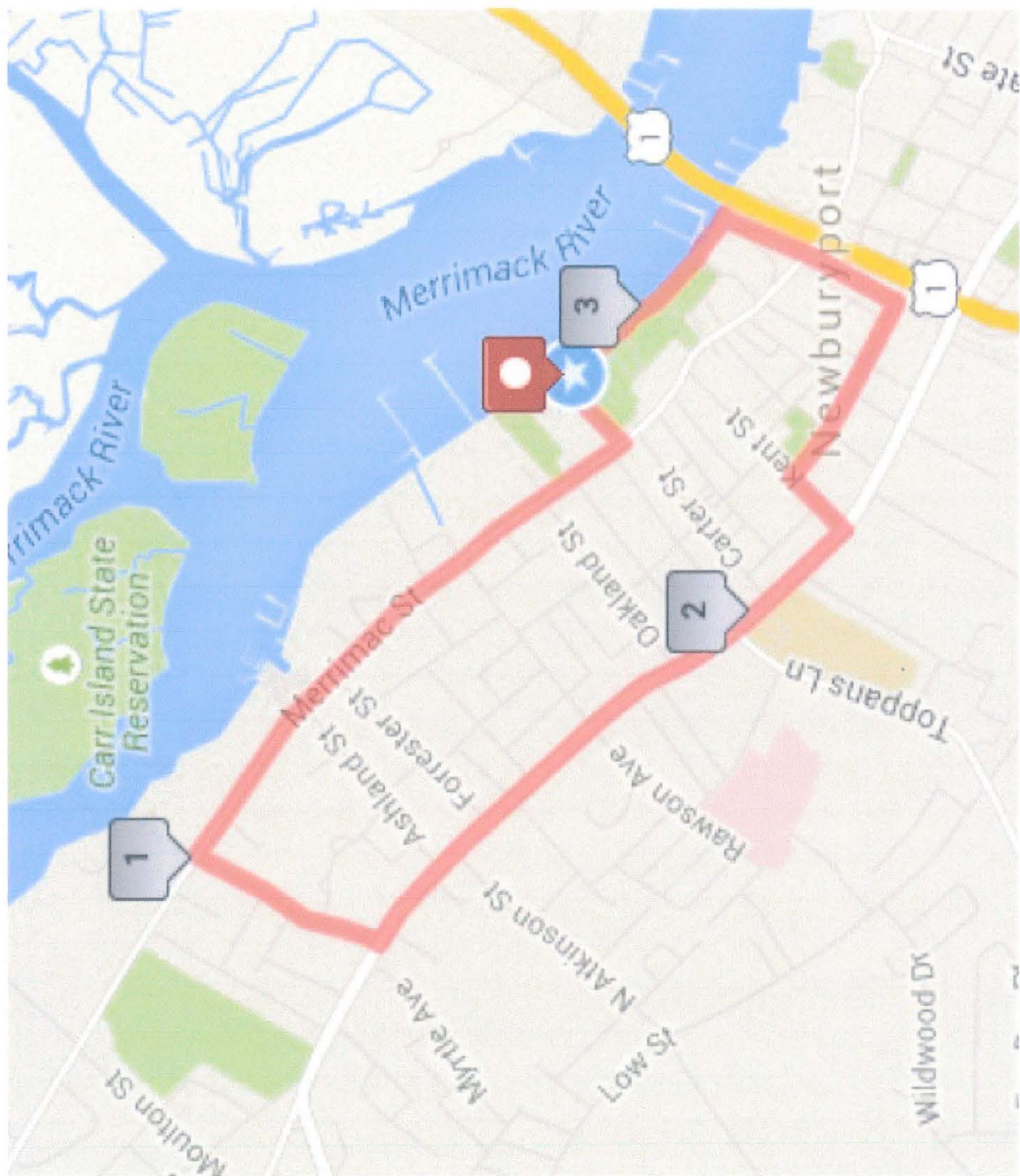
It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval
Required

Date: _____ Signature _____

- _____ 1. Special Events: _____
- _____ 2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____
- _____ 3. Traffic, Parking & Transportation: _____
- _____ 4. ISD/Health: _____
- _____ 5. Recycling: _____
- _____ 6. ISD/Building: _____
- _____ 7. Electrical: _____
- _____ 8. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____
- _____ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
Yes: \$ _____ due on _____ No Fee for Special Events applies
Other requirements/instructions per DPS _____
- _____ 10. Recreation Department: _____
- _____ 11. License Commission _____

The departments listed above have their own application process.
Applicants are responsible for applying for and obtaining all required
permits & certificates from the various individual departments





Applicant Information

Name of organization 1st Lt Derek Hines Soldiers Fund
 Contact name Steven Hines
 Address 54 Ferry Rd.
 City Newburyport
 State MA Zip 01950
 Phone 617 799-6980 Fax _____
 Email hin57@comcast.net

Scheduling Information

Date of Application 2/11/19

We request use of:

- ☐ Atkinson Common
☐ Atwood Park
☐ Garrison Gardens
☐ Bartlet Mall
☐ Brown Square
☒ Cushman Park
☐ Basketball ☐ Tennis ☐ Ball field ☒ Soccer
☐ Cherry Hill Athletic Fields
☐ Clipper City Rail Trail
☐ Cornelius Doyle Triangle
☐ Cushing Park

- ☐ Inn Street
☐ Jason Sawyer Playground
☐ Joppa Park
☐ March's Hill
☐ Market Square/Bullnose
☐ Moseley Woods Pavilion
☐ Moulton Square
☐ Newburyport Skate Park
☐ Patrick Tracy Square
☐ Perkins Park
☐ Basketball ☐ Tennis ☐ Ball field
☐ Woodman Park
☐ Other _____

Dates/days requested Saturday June 15

Time slot requested 3-8 PM
(1 1/2 hour blocks)

Activity Race Walk Number of attendees 2000

Authorized Applicant Signature Stu Hines

FOR INTERNAL USE ONLY

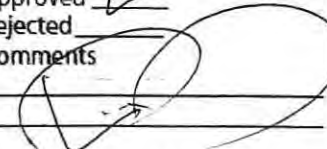
Approval is contingent upon approval from the following authorities: ADDITIONAL COMMENTS:

- ☐ Health Department
☐ Fire Department
☐ Police Department
☐ Licensing Commission
☐ City Council
☒ Harbormaster
☐ No further approvals needed

Submit completed form to

Newburyport Parks
 Newburyport City Hall
 60 Pleasant Street
 Newburyport, MA 01950
 parks@cityofnewburyport.com
 978-465-4462

See page 2 for Rules and Regulations and contacts for use of other parks and recreational facilities

For Parks Commission Use	
Date reviewed	<u>2-11-19</u>
Approved	<input checked="" type="checkbox"/>
Rejected	<input type="checkbox"/>
Comments	
Donation received	_____



Sec. 11-5. – Rules and regulations for all Public Parks and Playgrounds.

- (a) All other city ordinances applying to public areas also apply to the public parks and playgrounds listed in section 11-2, including but not limited to the following:
 - (1) Dogs shall be leashed and animal waste cleaned up and disposed of pursuant to chapter 3 of the code of ordinances; provided, however, that pursuant to such chapter 3 dogs are permitted off leash certain locations, as set forth therein. Both the city marshal and the health director, and their designees, including, without limitation, the animal control officer, are expressly authorized to enforce these rules by issuing citations for civil infractions pursuant to section 21D of chapter 40 of the Massachusetts General Laws.
 - (2) No littering is permitted.
 - (3) No vandalism, damage or defacement or other acts of willful destruction of public property is permitted.
 - (4) Loud noise, music, and other sounds are prohibited from 10:00 p.m. to 7:00 a.m. pursuant to chapter 8 of the code of ordinances.
 - (5) No snowmobiles, motorcycles, motorbikes or other motorized vehicles, with the exception of wheelchairs, are permitted outside of designated driveways or parking lots, unless specifically authorized by City Council vote.
 - (6) No smoking pursuant to chapter 8 of the code of ordinances.
 - (7) For other activities regulated by city ordinances, additional authorization may be required from the city officer or department designated under this code of ordinances.
 - (8) No activities are permitted that would potentially endanger members of the public.
- (b) No activities are permitted that would disturb the quiet use and enjoyment of the city's public parks and playgrounds, without prior written authorization from the Parks Commission.
- (c) No commercial activities, including, without limitation, soliciting, are permitted without prior written authorization from the Parks Commission.
- (d) No commercial activities of any nature are permitted on any portion of the Bartlett Mall unless for specific, nonprofit events that benefit the Newburyport community, unless it is approved in advance by a majority vote of the City Council.
- (e) No vehicular parking is permitted in areas other than designated parking lots, in accordance with posted signs. No unauthorized vehicles are allowed in areas other than designated driveways and parking lots.
- (f) No alcoholic beverages are permitted without prior written authorization from the Parks Commission.
- (g) Horses are not allowed except as expressly authorized by rules and regulations promulgated under this chapter 11, and with prior written authorization from the Parks Commission.
- (h) No dogs are permitted on athletic fields, tennis courts, in fountains, or in other restricted park areas.
- (i) No bicycling, rollerblading, snowboarding, or skateboarding is permitted on play equipment or site furnishings, including, without limitation, benches, curbs, walls, statuary, handrails, fountains, ponds, tennis courts, playing fields, etc. Within those public parks and playgrounds, as indicated by signage approved by the Parks Commission, bicycling, rollerblading, and skateboarding are prohibited entirely.
- (j) Trash receptacles in public parks and playgrounds are intended for the collection of refuse related to public use of such facilities, and the disposal of other items in park trash receptacles is not permitted. Dumping of private yard waste is not permitted.
- (k) No unauthorized posting of bills, signs, or any other materials is permitted.
- (l) No fires are permitted except in specific locations expressly authorized by rules and regulations promulgated under this chapter 11, or with prior written authorization from the Parks Commission.
- (m) No fireworks are permitted without prior written authorization from the fire chief.
- (n) No firearms are permitted.
- (o) No camping is permitted, unless specifically authorized by Parks Commission vote.
- (p) No unauthorized change of any sort to the property, vegetation, equipment, or structures is permitted, including, without limitation, trimming, pruning, removal or harming of plantings.
- (q) No use of water or electrical receptacles is permitted, with the specific exception of public drinking fountains, and as authorized under an individual license or permit issued by the Parks Commission.
- (r) Athletic field lighting shall be turned off by 9:30 p.m.
- (s) Fines for violation of any rules and regulations promulgated under this chapter 11 shall be established by ordinance of the City Council.
- (u) The Parks Commission shall be the permitting authority for all of the city's public parks and playgrounds, and applications for activities therein shall be made to such commission. Solely for routine applications, the Parks Commission may delegate its authority to process such applications to the Parks Director, by promulgating a rule pursuant to section 11-6;
- (v) For Market Landing Park and other Newburyport Waterfront Trust property, the Newburyport Waterfront Trust shall be the permitting agency, and applications for activities therein shall be made to the Newburyport Waterfront Trust.
- (w) Permit applications for activities at parks and playgrounds, made pursuant to the rules and regulations of this chapter 11, shall be processed in the order of their receipt. The Parks Commission, or the Parks Director as its designee pursuant to subsection (u), shall determine whether to grant or deny an application within thirty (30) days of receipt of determining that such application is complete, in all respects, unless the applicant provides written consent to extend such period for a set period,
- (x) A granted application for authorization made pursuant to the rules and regulations of this chapter 11 may permit the applicant a revocable license with a duration of no more than thirty (30) days to use designated areas of the relevant public park or playground. All other rights of use to any public park or playground, whether by revocable license, lease, or otherwise, shall be invalid unless approved by the City Council pursuant to all applicable laws. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (y) All fees for use of any public park or playground, regardless of type or duration, shall be established by ordinance of the City Council, in consultation with the Parks Commission. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (z) Denial of an application for authorization shall be in writing, and shall set forth clearly the grounds upon which the permit was denied. Where feasible, the Parks Commission, or the Parks Director as its designee pursuant to subsection (u), shall suggest in such written denial those measures by which the applicant may cure any defects in its permit application, or otherwise procure a permit in a subsequent application.
- (aa) An application for authorization may be denied on any of the following grounds:
 - (1) The application (including any required attachments and submissions) is not fully completed and executed;
 - (2) The application contains a material falsehood or misrepresentation;
 - (3) The applicant is legally incompetent to contract, or to sue and be sued;
 - (4) The applicant has on a prior occasion damaged public park or playground property, and has not paid full compensation for such damage, or has other outstanding and unpaid debts to the relevant authorizing agency;
 - (5) A fully completed and executed application for an activity at the same time and place has been received, and authorization has been or will be granted to such prior applicant authorizing uses or activities that do not reasonably permit multiple occupancy of the particular public park or playground, or part thereof;
 - (6) The use or activity intended by the applicant would conflict with a program or activity previously planned by the parks department, or by another city department or city official, for the same time and place; or
 - (7) The proposed use or activity is prohibited by or inconsistent with any rules and regulations of this chapter 11, or with the classifications and uses of the relevant public park or playground.

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 729-2263

Fax:

978 462-5647

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT:

NEWBURYPORT CHOCOLATE TOUR

Date: 5-18-19 Time: from 9 A.M. to 5 PM

Rain Date: 8 Time: from to

2. Location: DOWNTOWN NEWBURYPORT

3. Description of Property: 0 Public Private

4. Name of Organizer: CENTRAL CONGREGATIONAL Church City Sponsored Event: Yes No X

Contact Person DIANE HAWKINS CHURCH

Address: CHURCH 15 TITCOMB ST. NEWBURYPORT Telephone: 978 729-2263

E-Mail: CHACKK@COMCAST.NET Cell Phone:

Day of Event Contact & Phone: 5-18-19 978 729-2263

5. Number of Attendees Expected: 400 WALKING THRU TOWN

6. MA Tax Number: 0

7. Is the Event Being Advertised? YES Where? CHAMBER, MAGS, NEWSPAPERS,

8. What Age Group is the Event Targeted to? CHILDREN & ADULTS RADIO

9. Have You Notified Neighborhood Groups or Abutters? Yes No N/A Who?

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

 N/A
 N/A
 A. Vending: Food Beverages Alcohol Goods Total # of Vendors

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music DJ Radio/CD

Performers Dancing Amplified Sound Stage

C. Games /Rides: Adult Rides Kiddie Rides Games Raffle

Other Total #

Name of Carnival Operator:

Address:

Telephone:

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes No X

If yes:

- a) How many trash receptacles will you be providing? N/A
- b) How many recycling receptacles will you be providing? N/A
- c) Will you be contracting for disposal of : **Trash** Yes _____ No X **Recycling** Yes _____ No _____
- i. If yes, size of dumpster(s): **Trash** _____ **Recycling** _____
- ii. Name of disposal company: **Trash** _____ **Recycling** _____
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes _____ No _____
- iv. If no, where will the trash & recycling be disposed ? _____

If no:

- a) # of trash container(s) to be provided by DPS _____
- b) # of recycling container(s) to be provided by Recycling Office _____
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

Approval
Required

Date: _____ Signature: _____

- ____ 1. Special Events: _____
- ____ 2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____
- ____ 3. Traffic, Parking & Transportation: _____
- ____ 4. ISD/Health: _____
- ____ 5. Recycling: _____
- ____ 6. ISD/Building: _____
- ____ 7. Electrical: _____
- ____ 8. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____
- ____ 9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
Yes: \$ _____ due on _____ No Fee for Special Events applies
Other requirements/instructions per DPS _____
- ____ 10. Recreation Department: _____
- ____ 11. License Commission _____

The departments listed above have their own application process.
Applicants are responsible for applying for and obtaining all required
permits & certificates from the various individual departments

Sec. 13-97. - Road races, walkathons, bicycle and other multidisciplined events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. Upon following the procedures of the council, as deemed appropriated in the sole judgment of the council, the application will be considered approved if the council votes favorably by majority. The application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by police, fire, department of public services, parks commission and harbor masters departments prior to submission to the city clerk.

(4) *Electronic amplifier.* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 a.m., except for Sundays when electronic amplifiers, loud speakers or bullhorns will not be used for public address announcements or music before 9:00 a.m.

(5) *Road closure.* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *Event termination.* If in the judgment of the city marshal, fire chief or department of public services (DPS) director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(8) *Event and traffic security.* The city marshal, fire chief, DPS director or in the case of a triathlon, the harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *Clean-up.* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

(10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the city clerk and city council and may be used as a factor in future application approvals and denials.

(3) *Noncriminal disposition.* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$250.00) for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the city clerk and city council and shall be used as a factor in future application approvals and denials.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed: _____

Diane H. Clark

Date: _____

2/6/19



CERTIFICATE OF LIABILITY INSURANCE

Page 1 of 1

DATE (MM/DD/YYYY)
02/15/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Willis Towers Watson Midwest, Inc. fka Willis of Ohio, Inc. c/o 26 Century Blvd P.O. Box 305191 Nashville, TN 372305191 USA	CONTACT NAME: PHONE (A/C No. Ext): 1-877-945-7378 FAX (A/C No): 1-888-467-2378 E-MAIL ADDRESS: certificates@willis.com																					
INSURED P025800-Central Congregational Church PO Box 372 Newburyport, MA 01950	<table border="1"><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A:</td><td>Lexington Insurance Company</td><td>19437</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Lexington Insurance Company	19437	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES

CERTIFICATE NUMBER: W10129621

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		011971558 & 048409888	01/01/2019	01/01/2020	EACH OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000				
		MED EXP (Any one person) \$ 10,000				
		PERSONAL & ADV INJURY \$ 2,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 4,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$ 4,000,000
	OTHER:					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: 16th Annual Newburyport Chocolate Tour - 5/18/19 from Noon to 6pm

Please contact your Insurance Board Agent, (James Stewart) at (413) 788-4531, for questions regarding your Certificate of Insurance. If you would like to speak to someone at the Insurance Board, please call 800-437-8830

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport Attn: City Hall 60 Pleasant St Newburyport, MA 01950	<p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE</p> <p><i>Andrew Dem</i></p>
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**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: February 13, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2022.

Christopher Kealey
8 Payson Street
Newburyport, MA 01950



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, Mayor

RECEIVED FEB 14 PM 12:22

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 13, 2019
Subject: Re-Appointment

Donna D. Holaday

I hereby re-appoint, subject to your approval, the following
named individual as an Alternate Member of the Harbor
Commission. This term will expire on April 1, 2021.

Adam Armstrong
5 Buck Street
Newburyport, MA 01950

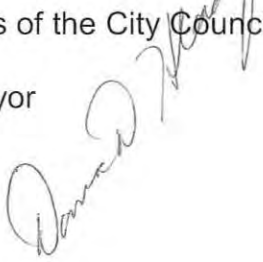


CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 13, 2019
Subject: Re-Appointment



I hereby re-appoint, subject to your approval, the following
named individual as an Alternate Member of the Harbor
Commission. This term will expire on April 1, 2021.

Walter Lesynski
364 Merrimac Street
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: February 13, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Parks Commission, representing the Bartlet Mall. This term will expire on May 1, 2022.

Charles Griffin
3 Vernon Street
Newburyport, MA 01950



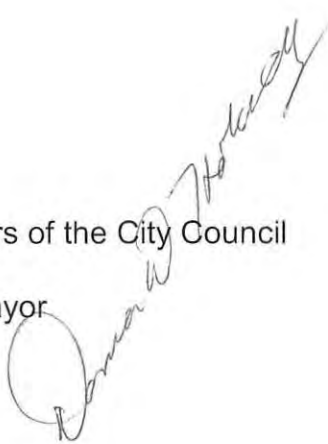
CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 13, 2019
Re: Re-Appointment



I hereby re-appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on May 31, 2024.

Ann M. Gardner
239 Water Street
Newburyport, MA 01950




CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members
of the City Council

From: Donna D. Holaday, Mayor 

Date: February 13, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Veterans Agent for Newburyport. This term will expire on April 1, 2020.

Kevin Hunt
14 Tenth Street
Newburyport, MA 01950



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 FEB 14 PM 12:22

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: February 13, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following
named individual as a member of the Waterfront Trust. This
term will expire on December 1, 2024.

Wilbur Shenk
1 Beck Street
Newburyport, MA 01950

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

COMMUNICATIONS

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

NEWBURYPORT CITY COUNCIL RULES (2019)

PURPOSE

Pursuant to the City of Newburyport Home Rule Charter (Charter), except as otherwise provided by the General Laws of the Commonwealth of Massachusetts (General Laws) or by the Charter, the legislative powers of the City Council of the City of Newburyport (Council) may be exercised in a manner determined by it. The purpose of these rules of the Council (Rules) is to establish in writing the manner in which the Council shall exercise its legislative powers.

ORGANIZATION

Rule 1. No later than December 31 after each regular municipal election, the City Clerk (Clerk) shall provide written notice to each member of the Council for the coming two-year legislative session of the date, time, and place of the first meeting of the Council in the next calendar year, to be known as the Inaugural Meeting.

Rule 1A. At the Inaugural Meeting, the Council shall, by majority vote of all its 11 members, notwithstanding any vacancies (Full Council), elect a President from within its membership. The City Clerk (Clerk) shall preside at the Inaugural Meeting until such time as a President is elected. The Full Council shall vote to set the date of its next regular meeting before it may vote to adjourn the Inaugural Meeting.

Rule 1B. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt its Rules for such calendar year.

Rule 1C. No later than at its next meeting after the Inaugural Meeting, the Council shall, by majority vote of the Full Council, adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

Rule 1D. In the second year of each two-year legislative session, no Inaugural Meeting shall occur. Instead, at its first meeting of such calendar year, the Council shall, by majority vote of the Full Council: (1) elect a President from within its membership; (2) adopt its Rules for such calendar year; and (3) adopt a schedule of regular meetings of the Council for the remainder of such calendar year.

MEETINGS

Rule 2. Council meetings shall be held in the Council Chamber of City Hall unless the President, or a majority of the Full Council, determine by any means reasonable and practicable, and give written notice to all members, that such meeting will be held in an alternate location.

Rule 2A. Special meetings of the Council shall be held at the call of the President, or any six (6) or more members, for any lawful purpose, by causing a notice of such special meeting to be delivered in hand or to the place of business or residence of each member. This notice shall, except in an emergency of which the President shall be the sole judge, be delivered at least forty-eight (48) hours in advance of the time set, and shall specify the purpose or purposes for which the special meeting is to be held. The Clerk shall cause a copy of each such notice to be posted immediately, including on the City's Website, in accordance with applicable laws.

Rule 2B. If any meeting of the Council is in session at 11:00 pm, said meeting shall be adjourned until 7:30 pm of the following evening, unless another date and time is voted by a majority of the Full Council.

HOLIDAYS

Rule 3. Except as otherwise provided in the Charter, whenever the day set by these Rules for any meeting of the Council, regular or special, shall fall upon a holiday, then such meeting shall be canceled or postponed to a date certain by majority vote of the Full Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior-most member in terms of consecutive, uninterrupted service on the Council shall serve during the absence of the President. If more than one member has served the same length of time, the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in terms of consecutive, uninterrupted service on the Council.

DUTIES AND POWERS OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall: preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal to a super-majority of the Full Council; declare all votes, or permit the Clerk to do so; and perform any other duties consistent with the office that may be provided by charter, ordinance, or by other vote of the Council.

Rule 5A. If any member doubts a vote as declared, the presiding officer, without further debate on the question, shall require that a count be taken by roll call of the membership.

Rule 5B. During any meeting, whether regular or special, the presiding officer may, at any time, call for a five-minute recess.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, he or she may call upon any Councillor to take the Chair, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair, or beyond an adjournment of the Council, except as hereafter provided. If the presiding officer wishes to express an opinion on any subject under debate, he or she shall relinquish the Chair as above provided, and shall not resume the Chair until he or she is through speaking, and all points of order arising therefrom have been decided by the Councillor presiding in his or her place. Notwithstanding the foregoing, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES AND COMMITTEE BUSINESS

Rule 7. The President shall appoint all members to all City Council Committees, both standing and ad hoc, designate the Chair of each such Committee, who shall serve as its presiding officer, and fill any vacancies thereon as they arise. Likewise, the President may establish, dissolve, and/or reconfigure ad hoc Committees in his or her discretion, provided that such ad hoc Committees shall be re-established each two-year legislative session. Ad hoc committees may include members other than members of the Council for purposes of deliberation, but they may not vote. Except as otherwise provided in Rule 12, the Council shall, by a majority vote, refer each matter newly introduced through the Council agenda (Agenda) to a single Committee, either standing or ad hoc, for review at a public meeting of such Committee, before such matter may be acted upon again by the Council. Notwithstanding the foregoing, a Councillor may make all parliamentary motions, including a motion to receive and file the newly introduced matter.

Rule 7A. Pursuant to the Newburyport Code (Code), there shall be nine (9) standing committees of the Council, as follows, each consisting of three (3) members of the Council, and concerned with the matters specified for it in the Code:

- Committee on Budget & Finance
- Committee on Education
- Committee on General Government
- Committee on Licenses & Permits
- Committee on Neighborhoods & City Service;
- Committee on Planning & Development
- Committee on Public Safety
- Committee on Public Utilities
- Committee on Rules

Rule 7B. Except as provided expressly otherwise in these Rules, a matter shall not be referred to more than one Committee, either separately or jointly, nor may a matter be referred to the Full Council sitting as the Committee-of-the-Whole except by super-majority vote.

Rule 7C. Committees may meet at any time, in open and/or executive session, at any place within the City of Newburyport, subject to the Massachusetts General Laws, the City Charter, and the Newburyport Code.

Rule 7D. Committees shall meet and review each matter referred to them by the Council no later than fifteen (15) calendar days after such referral.

Rule 7E. Committee meetings shall be cancelled when scheduled during any time when a declared snow emergency is in effect.

Rule 7F. During a meeting of the Council, the Chair of a Committee, whether regular or ad hoc, may remove any matter from such Committee to bring it to the floor for discussion by the Council, upon making a motion to do so, receiving a second from any other Councillor, regardless of Committee membership, and upon affirmative vote of the Full Council. Once such matter is before the Council (on the floor), any Councillor may then make a motion regarding such matter to approve it, not approve it, or refer it back to the original or to another Committee, and all parliamentary rules, including motions to amend, to table, and so on, shall be available, subject to these Rules.

Rule 7G. In the event that either: (a) the Committee has failed to meet and review a matter within the required 15 days under Rule 7D; or (b) the Chair of a Committee has failed to remove any matter from such Committee after (6) weeks of its original referral to such Committee, such matter may be removed from such Committee to bring it to the floor for discussion by the Council, provided that a petition signed by no fewer than two Councillors has been filed with the City Clerk – with copies to both the President and the relevant Committee Chair -- in accordance with Rule 16.

Rule 7H. Any matter that remains in Committee at the end of the Council's two-year legislative session shall die, unless a majority of the Full Council votes at its last meeting of such session to carry such item into the succeeding session. Any item that remains on the table at the end of the Council's two-year legislative term shall die, and may not be carried on.

Rule 7I. For any Committee item relating to the disposition of any real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such Committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from Committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

Rule 7J. Any Measure to authorize the issuance of a bond in an amount over \$500,000 shall be removed from the committee to which it is first referred until the greater of thirty (30) calendar days or one (1) regular meeting of the City Council has elapsed since such referral.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the Council or its Committees.

Rule 8A. Except as expressly provided in these Rules, the affirmative vote of a majority or super-majority, as may be required by law, of the Full Council, rather than of the quorum present, shall be required to adopt any ordinance, order, or other vote or proceeding adopted, or which might be adopted

(Measure). Consistent with the Charter, Measures include, without limitation, all transfers, expenditures, and acceptance of funds, which shall be put into effect by an order of the Full Council.

MANNER OF VOTING

Rule 9. The Council and each of its Committees, standing and ad hoc, shall vote at a duly noticed public meeting, unless otherwise permitted under the Open Meeting Law.

Rule 9A. A vote to confirm Mayoral Appointments on a second reading shall be by roll call of the Full Council.

Rule 9B. Approval of any ordinance shall require two (2) readings and two (2) roll-call votes to be held at separate City Council meetings, while approval of any other Measure requires one (1) reading and one (1) vote, which, except in the case of bond order, may be by voice vote. Amendments to any motion to approve, not approve, or to refer back to Committee may be recorded by voice vote, including such parliamentary motions in regard to an ordinance. Following its passage on first reading, such ordinance shall be timely posted to the City's Website, as defined in the Charter, in a manner prescribed by the City Clerk. Notwithstanding the foregoing, pursuant to the Charter, votes regarding Mayoral Appointments shall be treated specially under Rule 20.

Rule 9C. At the Inaugural Meeting, the Clerk shall begin the order of roll-call voting throughout such meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting that requires a roll call vote or votes, the Clerk shall begin roll calls throughout such meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the two-year legislative term. Notwithstanding the foregoing, the Clerk shall, for all votes at all meetings, call the President to vote last.

Rule 9D. In the event that a member of the Council or one of its Committees wishes to have his or her vote recorded differently after announcement of the results of a roll call vote by the Clerk or presiding officer, the member must receive unanimous consent from every other present member of the Council or the Committee, as the case may be.

Rule 9E. A motion to table once seconded is not debatable, but clarifying points of information shall be allowed for the purpose of understanding the effects of such proposed tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter, shall raise their hands and respectfully address the President, and wait until recognized by the presiding officer.

Rule 10A. Once recognized by the President, the Councillor shall stand to speak on the matter. A Councillor shall remain standing while speaking, and shall sit down to indicate to the President the conclusion of the Councillor's speech.

Rule 10B. No Councillor shall speak a second time on any motion until each Councillor has the opportunity to speak once, however the President may permit a Councillor to speak out of turn to respond to questions directed to him or her by another Councillor.

Rule 10C. In speaking, members shall at all times confine themselves to the motion in order, shall use parliamentary language and appropriate demeanor, and shall strive to refer to all other members by their ward or as an At-Large Councillor, or as the Chair or a member of a particular Committee, etc., rather than by their first or last names.

Rule 10D. No member shall leave a Council or Committee meeting while it is in session to seek or accept counsel, nor may such member while away from such meeting exchange information pertaining to an item on the meeting agenda, nor to conduct any other city business.

Rule 10E. The Council President and Committee Chairs, as the case may be, shall have the responsibility and discretion for recognizing speakers other than Council or Committee members. Any member of the Council or a Committee may request of the presiding officer recognition of a speaker other than a member, but the presiding officer's determination whether to grant such recognition shall not be appealed.

SPONSORSHIP OF MATTERS

Rule 11. With the sole exception of a Mayoral Appointment, as described in Rule 20, no Measure or other matter beside a Communication, of any kind, shall be placed on the Agenda by any City official or other person, including, without limitation, the Mayor, nor may it be acted upon by the Council, unless it is sponsored by a member of the Council. Each such matter carried over from a previous, two-year legislative term must be sponsored by a current member of the Council.

Rule 12. Except in the case of an Emergency Measure, as regulated under the Charter, the Council shall not pass or otherwise adopt any Measure until it has first been reviewed at a public meeting of a Committee in accordance with Rule 7.

Rule 12A. Failure of by any person, including, without limitation, an applicant or a city official, to meet a deadline, specified by law, regulation, or rule shall not constitute an Emergency. For example, and without limitation, the Council shall not approve a license or permit, or otherwise authorize, any person to use public property for a road race or other event by Emergency Measure solely because such event is scheduled to occur before the Council's next meeting.

Rule 12B. Pursuant to the Charter, no Measure making a grant, renewal, or extension, whatever its kind or nature, or a franchise or special privilege, shall be passed as an emergency measure, and, except as provided by the laws of the Commonwealth, no such grant, renewal, or extension shall be made otherwise than by ordinance.

Rule 12C. Pursuant to the Charter, an Emergency Measure shall become effective immediately upon its adoption without signature by the Mayor, or at such later time as the emergency measure expressly provides.

Rule 12D. In the event that a sponsor of any Measure or other matter is not present physically or telephonically at a meeting of the Council when the Clerk reads such Measure or other matter, then the Council shall not consider such Measure or other matter, unless all sponsors of such measure have presented a written statement requesting the Council to proceed in the absence of such sponsor.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After a Measure or other matter is reached on the Agenda and read aloud by the Clerk, it shall be deemed to be in possession of the Council, and shall be disposed of in some matter by vote. At any time prior to a Measure or other matter being brought before the Council through such reading, it may be withdrawn provided all sponsors so notify the President or the Clerk.

RECONSIDERATION

Rule 14. Notwithstanding Rule 9D, after a vote has been taken on a Measure or other matter, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, and such motion shall be disposed of accordingly. Alternatively, such member may file with the Clerk, not later than noon of the next business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notification from a member, the Clerk shall place the motion for reconsideration on the Agenda for the next regular meeting of the Council, and the Clerk shall forthwith, either verbally or in writing, notify the Full Council of such filing.

DUTIES OF THE CLERK

Rule 15. The Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, and shall have the care and custody of the City records, and all documents, plans, and papers pertaining to the business of the Council. The Clerk shall also, at the request of a member, assist in the drafting of items to be presented at the meetings of the Council. The Clerk shall cause notice to be made to each Councillor of each meeting of the Council, regular and special, and of Committee meetings, and shall also post notice on the City Website at least 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. Printed materials regarding any matter, including, without limitation, the full text of new Measures, to be considered by the Council at its next regular meeting shall be presented in complete form to the Clerk not later than 4:00 pm on the Tuesday preceding such regular meeting. Notwithstanding the preceding sentence, not later than 4:00 pm on the Wednesday preceding a regular meeting, Committee Chairs shall submit to the Clerk the text of any Measures they intend to remove from Committee and put into the possession of the full Council. Except as otherwise provided under Rule 18A, papers presented after these times shall be considered Late-Filed Items, which shall not be taken up without a suspension of these Rules, which requires a super-majority vote of the Council. The provisions of this Rule 16 apply to all persons, and in all cases, without exception, including to all members and other City officials, such as the Mayor and Department heads, as well as the public.

AGENDA AND PACKET

Rule 17. For each meeting of the Council, the Clerk in consultation with the President shall compile the Agenda of all matters to come before the Council at such meeting, in accordance with the order of business listed below, and shall make available to the public such Agenda and all supporting documents (together, Packet) to be considered by the Council by 5:00 pm of the fourth (4th) calendar day prior to such meeting; provided, however, that in the case of a special meeting the Agenda shall be made available as otherwise provided by law and these Rules, and no Packet shall be required. The Clerk shall cause a printed copy of the Packet to be delivered to each Councillor by their individually preferred means, and to be posted on the City Website at least 48 hours prior to commencement.

Items that are to be added to the Agenda as Late-Filed Items must be submitted for approval to be placed on the Agenda immediately following the Call to Order.

The order of business for the Agenda shall be as follows:

1. Moment of Silence
2. Pledge of Allegiance
3. Call to Order
4. Late-Filed Items
5. Public Comment
6. Proclamations
7. Mayors Comment
8. Consent Agenda
 - a) Approval of Minutes
 - b) Communications (including Applications)
 - c) Orders (including Transfers/Appropriation Orders) and Resolutions
 - d) First Reading of Mayoral Appointments
7. Second Reading of Mayor's Appointments
8. Communications
9. Orders (including Transfers/Appropriation Orders) and Resolutions
10. Ordinances
11. Committee Reports (including all Measures for the Council to consider)
12. Good of the Order
13. Adjournment

Rule 17A. The Consent Agenda shall be reserved for routine and non-controversial matters that may be considered apart from the rest of the Agenda and approved collectively and without debate. The President has the sole discretion to place matters on the Consent Agenda, but retention thereon is subject to the unanimous consent of the members present when the Council reaches the Consent Agenda during its meeting. The Clerk shall read matters on the Consent Agenda by title only. At any time before the Council acts upon the Consent Agenda, any member of the Council may cause any matter or matters listed upon the Consent Agenda to be removed and then placed into the appropriate portion of the regular Agenda, either by providing written notice to the President and/or the Clerk, or, alternatively, by rising and so requesting by motion. The Council shall then, without debate permitted, vote collectively on all matters remaining on the Consent Agenda, by simple majority of the Full Council. Such vote may be conducted by voice vote at the discretion of the presiding officer.

PUBLIC COMMENT

Rule 18. There shall be designated a Public Comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council, whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment segment of the meeting. Each speaker must provide his or her name and the address where he or she resides permanently (i.e. legal domicile), and indicate which Agenda item he or she will be speaking on. The President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each speaker.
3. One opportunity per individual to speak.
4. Comment must be related to an Agenda item.
5. Speakers who are attorneys shall disclose the identity of all clients whose interests are materially affected by the Agenda item upon which they speak.

Rule 18A. There shall be designated a Mayor's Comment time during each regular meeting of the City Council. The procedure for this comment time is listed below:

1. To address the Council during the Mayor's Comment period, the Mayor may provide notice to the President at any time prior to the Call to Order.
2. The Mayor will be allowed to speak for a total of seven (7) minutes.
3. The Mayor will be offered reserved seating on the front bench of the Council Chambers
4. Notwithstanding the normal deadline for written materials to be submitted to the City Clerk under Rule 16, the Mayor may submit a written report to the Full City Council not later than 11:00am on the day of the Council meeting, and such report shall not be deemed a Late-Filed item.
5. Nothing in this rule prohibits the Mayor from speaking otherwise in compliance with the Charter and these Rules.

PRESENTATIONS

Rule 19. To be included on the Council Agenda, presentations by individuals or groups must be sponsored by a Councillor in writing pursuant to Rule 16, and approved by the President, in which case such presentation shall be placed in the Communications segment of the Agenda, for a period not longer than twenty (20) minutes.

MAYORAL APPOINTMENTS

Rule 20. Mayoral Appointments do not require sponsorship by a member of the Council, but shall require two (2) readings and two (2) votes by the Council, the second such vote by roll call. For its first reading, each such appointment, including reappointments, shall be accompanied by submittal to the Clerk of the appointee's resume in accordance with Rule 16. The first reading shall be placed in the Consent segment of the Council's Agenda for referral to the Council's next meeting, sitting as the Committee of the Whole.

Rule 20A. As with any Consent Agenda item, a single member of the Council may move such item to the regular Agenda. As provided in the Charter, the Council may elect to refer any proposed Mayoral

Appointment to a standing or ad hoc Committee, which shall review such appointment and may make a recommendation to the Full Council not fewer than seven (7) nor more than 45 days after such referral. Such Committee may require any person whose name has been referred to it to appear before such Committee, or before the Full Council, to give any information relevant to the appointment that the Committee of the Full Council may require. Notwithstanding the optional referral of proposed appointments provided for in this Rule 20A, appointments and reappointments of the following officers shall always be referred through the Consent Agenda to the standing committee with oversight over such board or commission:

- Members of the Board of Health and Health Director;
- Building Inspector;
- City Auditor/Director of Finance;
- City Librarian;
- City Treasurer;
- Director of the Department of Public Services;
- Members of the Conservation Commission and Conservation Agent;
- Habormaster;
- Members of the License Commission;
- Members of the Newburyport Redevelopment Authority board;
- Members of the Newburyport Waterfront Trust board;
- Members of the Planning Board, Planning Director, and Zoning Administrator;
- Members of the Water and Sewer Commission; and
- Members of the Zoning Board of Appeal.

MID-YEAR BUDGET REVIEW

Rule 21. Each calendar year, the Committee on Budget & Finance shall schedule and hold a public meeting to conduct a Mid-Year Budget Review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 15. The Chair of the Committee shall cause both the City Auditor and the City Treasurer to attend, pursuant to the Charter, and shall invite all members of the Council, as well. Pursuant to the Charter, the Chair shall ask the City Auditor to distribute to the Full Council documentation in support of the Mid-Year Budget Review no less than one (1) week before such meeting, including a year-to-date actual budget summary. Further pursuant to the Charter, any member of the Council may request that a Department Head be present at the Mid-Year Budget Review meeting, by making a request through the Chair of the Committee of Budget & Finance.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The audible use of mobile phones, radios, and other electronic communication devices by any person, including members of the Council, but excepting on-duty public safety officers, is strictly prohibited within the Council Chamber while the Council is in session, and all such devices shall be turned off or otherwise made to be silent.

Rule 22A. Members of the Council may read from or otherwise obtain information from a computer, tablet, or other electronic device within the Council Chamber while the Council is in session, such as by conducting computer searches online.

Rule 22B. Except as otherwise permitted under the Open Meeting Law, no member of the Council shall, at any time while the Council is in session, be permitted to communicate with other people, either located within or without the Chamber, using such any electronic device, whether verbally or otherwise, audibly or inaudibly.

PARLIAMENTARY PRACTICE

Rule 23. In all matters of parliamentary practice not provided for in these rules, the Council shall use Robert's Rules of Order as a guide.

RECUSAL

Rule 24. Upon his or her recusal regarding a matter, a member of the Council or a Committee shall leave the room where the meeting is being conducted, and such member shall not be counted as part of the quorum on that matter. Notwithstanding the foregoing, a recused member may, if permitted under applicable law, remain in the room solely if he and she wishes to give testimony on the matter.

Rule 24A. If the matter is to be addressed in open session, then the recusal shall be made orally and shall be included as part of the official public record. The recused member may obtain and review any records of such public discussions and/or action by the Council or Committee on the matter.

Rule 24B. If the matter is to be addressed in executive session, then the recusal must be made orally during the open session before the Council or Committee goes into such executive session and shall be included as part of the official public record. A member so recused shall not knowingly obtain or review a recording, minutes, or any other non-public information regarding such matter, other than the fact of his or her own recusal.

AMENDING THE RULES

Rule 25. Any amendment of these Rules shall require successful passage of an order by the Full Council, by simple majority, as provided in these Rules.

SUSPENDING THE RULES

Rule 26. Except as otherwise, expressly provided in these Rules, a motion to suspend the rules shall require a two-thirds super-majority vote of the Full Council.

Councillor Jared J. Eigerman

In City Council February 26, 2018:

Motion to remove from Rules by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to strike Rule 2A by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 7A, to increase from eight to nine standing committees and add "Committee on Rules", by Councillor Vogel, seconded by Councillor Earls. Roll call vote, 10 yes, 1 no (OBrien). Motion passed. Motion to strike references to indefinite postponement from Rule 9E by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to amend Rule 16, by adding "new" before "measures" on Line 2 and "notwithstanding the preceding sentence" to Line 4, and further pursuant to text coming from Councillor Eigerman, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 17, to change from fifth to fourth calendar day, by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed. Motion to amend Rule 18A(2), to increase from five minutes to ten minutes, by Councillor Vogel, seconded by Councillor Tontar. Motion to increase from five minutes to seven minutes by Councillor Eigerman. Friendly amendment accepted by Councillor Vogel and Councillor Tontar. Roll call vote, 10 yes, 1 no (Connell). Motion passed. Motion to amend Rule 18A(4), to change from twenty-four hours before the meeting to 11:00am the day of the meeting, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed. Motion to add City Solicitor in Rule 20 by Councillor Zeid, seconded by Councillor Devlin. Withdrawn. Motion to adopt as amended by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Attest: _____
Richard B. Jones, City Clerk

Date: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

July 23, 2012

ORDERED:

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

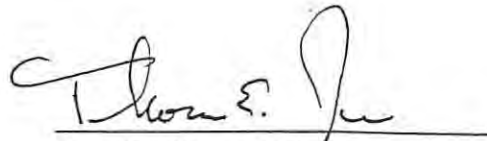
Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.

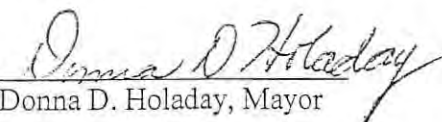

Councillor Thomas E. Jones


In City Council July 23, 2012

Motion to approve by Councillor Jones, seconded by Councillor Heartquist. Motion withdrawn. Motion to refer to General Government by Councillor Jones, seconded by Councillor Sullivan. So voted.

In City Council December 10, 2012

Motion to remove from committee by Councillor Cronin, seconded by Councillor Connell. Motion to approve by Councillor Cronin, seconded by Councillor Jones. So voted.

Approve: 
Donna D. Holaday, Mayor

Attest: 
Richard B. Jones, City Clerk

Date: JAN 30 2013

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- **APPT081_02_11_19** Christian Hansen 29 Hill St Library Board of Directors 02/01/2026

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Tontar. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Committee Amendments double underlined.

THAT the City Council of the City of Newburyport hereby amends the following fees for fire department permits and services:

Inspection: Smoke/Carbon Monoxide Detector, Fire Alarm, and Fire Protection*

	<u>FROM:</u>	<u>TO:</u>
<u>Single-family dwelling or a single dwelling unit</u>	\$20	\$50
<u>2 family dwelling</u>	\$20	\$100
<u>Any building or structure with 3 to 6 units</u>	\$20	\$150
<u>Any building or structure with more than 6 units</u>	\$20	\$500

* If a smoke detector inspection and a carbon monoxide inspection are conducted simultaneously, the owner shall not be subject to an additional fee for the carbon monoxide alarm inspection.

	<u>FROM:</u>	<u>TO:</u>
<u>Fire Alarm Systems (Panels)</u>		
Without Master Box	\$25	\$50
<u>Sprinkler Systems</u>		
Residential	\$25	\$50
Commercial	\$50	\$100
<u>Oil Burner Installation/Repair</u>	\$25	\$50
<u>Storage Tanks</u>		
Up to 1,100 gallons	\$25	\$50

Over 1,100 gallons	\$50	\$100
<u>Propane Tank Installation</u>		
Up to 999 gallons	\$25	\$50
Over 1,000 gallons	\$50	\$100
<u>LP Gas Storage</u>	\$25	\$50
<u>Flammable Liquids Storage Up to 165 gallons</u>	\$25	\$50
<u>Flammable Solids</u>	\$25	\$50
<u>Flammable Gas</u>	\$25	\$50
<u>Maintain Underground Storage Tanks</u>	\$50	\$100
<u>Removal of Tanks</u>		
Above Ground Tank	\$25	\$50
<u>Below Ground Tank</u>	\$50	\$100
<u>Tank Truck Permits</u>	\$25	\$50
<u>Welding</u>	\$0	\$50
<u>Blasting</u>	\$25	\$50
<u>Fireworks</u>	\$25	\$50
<u>Black Powder</u>	\$0	\$50
<u>Model Rockets</u>	\$10	\$25
<u>Tent - Commercial</u>	\$0	\$50
<u>Combustible Fibers/ Dust</u>	\$0	\$50
<u>Hazardous Materials Processing</u>	\$0	\$50
<u>Unvented Gas Appliance</u>	\$0	\$50
<u>Commercial Cooking</u>	\$0	\$50
<u>Outside Burning</u>	\$0	\$10
<u>Reports</u>	0	\$10
<u>Any permit not listed but required</u>	Minimum	\$50

Residential permit fees may be waived by the Fire Chief or his designee in cases of financial hardship.

Councillor Charles F. Tontar

In City Council February 11, 2019:

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion to define commercial tent as greater than 400 square feet according to international fire code by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion to insert "and unvented gas appliance" after "*If a smoke detector inspection and a carbon monoxide inspection" by Councillor Earls, seconded by Councillor Vogel. Withdrawn. Motion to divide fee for unvented gas appliance by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to table by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 7 yes, 4 no (Vogel, Devlin, Eigerman, Connell). Motion passed.